CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. 97-094

WASTE DISCHARGE REQUIREMENTS FOR:

SANTA CLARA VALLEY WATER DISTRICT, URGENT SEDIMENT REMOVAL PROJECT, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, hereinafter referred to as the Regional Board, finds that:

1. The Santa Clara Valley Water District (hereinafter referred to as the Discharger) proposes to conduct urgent sediment removal activities (dredging) at nine sites in eight streams. The purpose of the project is to alleviate local flooding problems and to meet the requirements of the Federal Emergency Management Agency for flood protection. Approximately 103,180 cubic yards of silt would be removed, impacting 9.7 acres of wetlands. Table 1 outlines the names of creeks, locations, types of channel, and approximate amounts of sediment removal proposed at each site.

Table 1
Nine Urgent Sites

Site No.	Creek	Location	Type of Channel	Sediment noved Cu. Yds.
1	San Francisquito	D/S Highway 101	Tidal	5,000
2	Lower Penitencia	U/S Dixon Landing Road	Tidal	6,500
3	San Tomas Aquino	Agnew Road to Route 237	Tidal	46,000
4	Saratoga	U/S San Tomas Creek	Non-Tidal	10,000
5	San Tomas Aquino	U/S Highway 101	Non-Tidal	13,000
6	Los Coches	U/S Highway 680	Non-Tidal	680
7	Calera	D/S Escuela Parkway	Non-Tidal	1,000
8	Stevens	D/S L'Avenida	Non-Tidal	6,000
9	Berryessa	Highway 237	Tidal	15,000

2. The Discharger is in the process of preparing a comprehensive application package for a 10-year permit that will address its sediment removal and bank stabilization requirements for that period. In the meantime, the nine project sites have been identified as urgent and the Discharger is requesting authorization to conduct dredging at the above sites prior to the 1997-98 rainy season.

3. Water quality at the nine sites can be adversely affected by improperly controlled dredging. The disturbance of bottom sediments can cause localized turbidity and/or the release of nutrients and toxic substances which may be contained in the sediments. In addition, dredged sediment de-watering and disposal, if improperly conducted, can cause the unauthorized discharge of earthen materials and nutrients to surface waters.

4. The Regional Board, on June 21, 1995, adopted, in accordance with Section 13244 et. seq. of the California Water Code, a revised Water Quality Control Plan, San Francisco Bay Basin (Basin Plan). This updated and consolidated revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters.

5. The Project sites are located in the Santa Clara Basin, which has the following beneficial uses:

    a. Water contact recreation
    b. Non-contact water recreation
    c. Warm and cold water habitat
    d. Wildlife habitat
    e. Preservation of rare and endangered species
    f. Fish migration and spawning
    g. Estuarine habitat
    h. Groundwater recharge

6. A discharge of waste would result from conducting sediment removal activities and placement of dredged sediment at the storage reuse and disposal sites. The effluent discharge during sediment placement is referred to as "decant water".

7. These Requirements regulate effluent discharged as a result of dredged sediment removal and placement.

8. The Discharger, as proposed in a communication dated July 2, 1997, would load the excavated material from the sites directly to dump trucks. The trucks will have lockable

tailgates capable of adequately preventing leakage or accidental spills of decant water and dredged material.

9. The Discharger, as proposed in a communication dated July 2, 1997, would stockpile dredged material at a 10-acre site located to the south of Highway 237 in the City of Santa Clara. The Discharger shall implement Best Management Practices (BMPs) to reduce or eliminate pollutants from draining into waters of the State. Discharge of decant water shall not cause a violation of the Effluent Limitations and/or the Receiving Water Limitations of this Order.

10. The Discharger, as proposed in a communication dated July 2, 1997, will dispose of de-watered dredged material at a permitted landfill or otherwise at a site approved in advance by the Executive Officer of the Regional Board.

11. The wetlands to be impacted are Waters of the State and of the United States. Table 2 outlines the acreage of wetlands to be impacted.

Table 2
Wetlands to be Impacted

Site No.	Creek	Impacted Wetland (Acreage)
1	San Francisquito	0.1
2	Lower Penitencia	1.83
3	San Tomas Aquino	5.2
4	Saratoga	0.22
5	San Tomas Aquino	0.06
6	Los Coches	0.18
7	Calera	0.09
8	Stevens	0.25
9	Berryessa	1.77
Total		9.7

12. The goals of the California Wetlands Conservation Policy (Governor's Executive Order W-

59-93, signed August 23, 1993) include ensuring "no overall loss", and achieving a "long-term net gain in the quantity, quality, and permanence of wetlands acreage and values...".

13. Senate Concurrent Resolution No. 28 states that, "It is the intent of the legislature to preserve, protect, restore, and enhance California's wetlands and multiple resources which depend on them for the benefit of people of the State".

14. Section 13142.5 of the California Water Code requires that the "Highest priority shall be given to improving or eliminating discharges that adversely affect...Wetlands, estuaries, and other biologically sensitive areas."

15. The sediment removal activities at the project sites will cause a condition of pollution to exist in these waters of the State by altering the quality and quantity of water in the area, that is needed to support wetland beneficial uses, to a degree that will impact the beneficial uses of these waters of the State.

16. The Discharger has submitted documentation to show that appropriate effort was made to avoid, and then to minimize wetland disturbance.

17. The Discharger has proposed a conceptual mitigation plan as a part of its proposal, to offset the loss of beneficial uses of waters of the State.

18. The conceptual mitigation plan proposes to create/restore tidal wetlands within a 40-acre parcel that is currently a Cargill salt pond near Alviso. A portion of this parcel to be determined based on wetland mitigation guidance contained in the Basin Plan, is to compensate for impacts resulting from this urgent sediment removal project. Due to urgency of the sediment removal activities, the final determination of required mitigation is deferred until the Regional Board acts on the 10-Year Program.

19. The California Environmental Quality Act (CEQA) requires all projects approved by State agencies to be in full compliance with CEQA, and requires a lead agency to prepare an appropriate environmental document (EIR or Negative Declaration) for such projects.

20. The Discharger prepared a Negative Declaration for this project and approved it on August 13, 1996, and the Regional Board considered this Negative Declaration. The project as approved by the Discharger and as conditioned by the Waste Discharge Requirements will not have a significant impact on water quality.

21. In addition, the action to adopt waste discharge requirements for this facility is exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with

Section 15304 (g), Title 14, California Administrative Code.

22. Pursuant to Title 23, California Code of Regulations Section 3857, the Regional Board is issuing Waste Discharge Requirements and will not act on the application for Water Quality Certification.

23. The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge.

24. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the Santa Clara Valley Water District, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. Discharge Prohibitions:

1. The direct discharge of wastes (including dredged sediment) from active dredging sites to surface waters or surface water drainage courses is prohibited.

2. The dredged material shall remain within all the designated disposal areas at all times.

3. The dredge and disposal activities subject to these requirements shall not cause a nuisance as defined in Section 13050(m) of the California Water Code.

4. The discharge of decant water from active dredging sites to surface waters or surface water drainage course is prohibited.

B. Effluent Limitations:

Wastewater (decant water and/or runoff water) discharged at the sediment storage area or reuse facility to storm drains or waters of the State shall not exceed the following limits of quality at any time:

I	pH	6.5-8.5
ii	Settleable matter:	1.0 ml/l/hr
iii	Dissolved sulfide:	0.1 mg/l

C. Receiving Water Limitations

1. The dredging and/or disposal of waste (i.e., sediments and/or decant water) shall not cause:

   a. Floating, suspended or deposited macroscopic particulate matter or foam in waters of the State at any place more than 200 feet from the dredging activity or point of discharge of the return flow.

   b. Bottom deposits or aquatic growth in waters of the State at any place.

   c. Alteration of apparent color beyond present natural background levels in waters of the State at any place more than 200 from the dredging activity.

   d. Visible floating, suspended, or deposited oil or other products of petroleum origin in waters of the State at any place more than 200 feet from the dredging activity.

   e. Waters of the State to exceed the following quality limits at any point:

i)	Dissolved Oxygen:	5.0 mg/l minimum. When natural factors cause lesser concentrations, then this discharge shall not cause further reduction in the concentration of dissolved oxygen
ii)	Dissolved Sulfide:	0.1 mg/l maximum or background levels
iii)	pH:	A variation of natural ambient pH by more than 0.5 pH units
iv)	Toxic or other deleterious substances:	None shall be present in concentrations or quantities which may cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentrations.

2. Turbidity of the waters of the State, as measured in NTUs, at any point beyond 200 feet down stream of the dredging activity shall not increase above background levels by more than the

following:

Receiving Waters Background	Incremental Increase
<100 units	10 units, maximum
>100 units	10% of background, maximum

3. The groundwater shall not be degraded as a result of the sediment disposal and handling operation.

D. PROVISIONS

1. The Discharger shall comply with all the Prohibitions, Receiving Water Limitations, and Provisions of this Order immediately upon adoption of this Order or as provided below.

2. The Discharger shall prepare a sediment screening plan acceptable to the Regional Board Executive Officer, prior to start of any dredging activity.

3. Prior to the start of any dredging activity, the Discharger shall prepare BMPs, acceptable to the Executive Officer of the Regional Board, to reduce impacts on beneficial uses of waters of the State.

4. Dredging operations shall cease immediately whenever violations of these Requirements are detected through implementation of the Self-Monitoring Program (SMP) and operations shall not resume until alternative methods of compliance are implemented. The Discharger shall notify the Regional Board immediately whenever violations are detected and operations shall not resume until the Discharger has provided the Regional Board with a corrective action plan, acceptable to the Executive Officer of the Regional Board, that provides alternative methods of compliance.

5. The Discharger shall file with the Regional Board monthly self-monitoring reports performed according to any Self-Monitoring Program issued by the Executive Officer.

6. Dust and odor from the dredged sediment disposal operations shall not cause a nuisance beyond the property boundary at the designated storage site.

7. All reports pursuant to these Provisions shall be prepared under the supervision of a registered civil engineer or certified engineering geologist.

8. The Discharger shall install any additional effluent monitoring devices required to fulfill the terms of any Self-Monitoring Program issued to the Discharger in order that the Regional Board may evaluate compliance with the conditions of this Order.

9. The discharge of any hazardous, designated or non-hazardous waste as defined in Title 23, Division 3, Chapter 15 of the California Administrative Code, shall be disposed of in accordance with applicable state and federal regulations.

10. The Discharger shall remove and relocate any wastes which are discharged at these sites in violation of these Requirements.

11. The Discharger shall file with the Regional Board a report of any material change or proposed change in the character, location, or quantity of this waste discharge. For the purpose of these requirements, this includes any proposed change in the boundaries of the disposal.

12. The Discharger shall maintain a copy of this Order at the sites so as to be available at all times to site operating personnel.

13. The Discharger and site operator are considered to have full responsibility for correcting any and all problems which arise in the event of a failure which results in an unauthorized release of waste or wastewater.

14. The Discharger shall maintain all devices or designed features installed in accordance with this Order such that they function without interruption for the life of the operation.

15. The ultimate off-site disposal of the dried dredge material is subject to the approval of the Executive Officer. This approval shall be based upon a demonstration that the ultimate disposal will occur at a site which has Waste Discharge Requirements (WDRs) from this Regional Board or at a site that has received a waiver of WDRs.

16. The Discharger shall permit the Regional Board or its authorized representative, upon presentation of credentials:

    a. Entry on to the premises on which wastes are located or in which records are kept.

    b. Access to copy any records required to be kept under the terms and conditions of this Order.

c. Inspection of any treatment equipment, monitoring equipment. or monitoring method required by this Order.

d. Sampling of any discharge or surface water covered by this Order.

17. The Discharger shall comply with all applicable items of the Self-Monitoring Program (SMP).

18. The Discharger shall implement the Preliminary Compensatory Wetlands Mitigation and Monitoring Plan, dated June 1997.

19. A mitigation construction plan and schedule, acceptable to the Regional Board Executive Officer, shall be submitted 30 days prior to start of construction at the mitigation site. This construction plan shall show specific mitigation locations and design details.

20. The delineation of existing jurisdictional waters at the mitigation site shall be conducted prior to the start of construction at the mitigation site. If wetland characteristics have not developed by Year 5 of construction, the Discharger shall prepare a revised mitigation plan acceptable to the Regional Board Executive Officer.

21. Any substantive changes to the final mitigation and monitoring plan must be approved in writing by the Regional Board Executive Officer.

22. The Discharger shall submit mitigation monitoring reports by March 1 of each monitoring year, and a notice of mitigation completion to the Regional Board Executive Officer. The notice of mitigation completion shall include a plan, acceptable to the Regional Board Executive Officer, for long-term maintenance and management of the mitigation sites. After submittal of the notice of mitigation completion, submittal of annual mitigation monitoring is no longer required.

23. If the fee title of proposed mitigation site is not acquired by May 1998, the Discharger shall prepare a revised mitigation plan, acceptable to the Regional Board Executive Officer, by June 1, 1998.

24. These Requirements do not authorize commission of any act causing injury to the property of another or of the public; do not convey any property rights; do not remove liability under federal, state or local laws, regulations or rules of other programs and agencies nor do these Requirements authorize the discharge of wastes without appropriate permits from other agencies or organizations.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, complete and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 16, 1997.

Loretta K. Barsamian
Executive Officer

Attachments:
A: Self-Monitoring Program (SMP)

CALIFORNIA REGIONAL WATER QUALITY CONTROL PLAN
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM

FOR

Santa Clara Valley Water District Urgent Sediment Removal Project

I. General

A. Basis

Reporting responsibilities of the Project Proponent as "waste discharger" are specified in Sections 13225(a), 13267(b), 13268, 13383, 13387(b) of the California Water Code and this Regional Board's Resolution No. 73-16.

B. Purpose

The principal purposes of a monitoring program by a discharger, also referred to as a Self-Monitoring Program, are to 1) document compliance with effluent requirements and prohibitions established by this Regional Board, 2) facilitate self-policing by the discharger in the prevention and abatement of pollution arising from improper effluent, 3) to develop or assist in the development of effluent or other limitations, discharge prohibitions, national standards of performance, pretreatment and toxicity standards, and other standards, and 4) to prepare water and wastewater quality inventories.

C. Sampling and Methods

Sample collection, storage and analysis shall be performed according to 40 CFR, Section 136, or other methods approved by the Executive Officer of this Regional Board.

Water and effluent analyses shall be performed by a laboratory approved by the Department of Health Services (DHS) or a laboratory approved by the Executive Officer.

All monitoring instruments and equipment shall be properly calibrated and maintained to ensure accuracy of measurements.

Routine sampling shall follow Quality Assurance/ Quality Control procedures including the use

of field, equipment and laboratory blanks and laboratory surrogate samples.

All Quality Assurance/Quality Control measures and results shall be reported along with the data.

II. DEFINITION OF TERMS

Grab Sample is defined as an individual sample collected in a short period of time not exceeding 15 minutes. Grab samples shall be collected during normal peak flows for the parameter of interest. It is to be used primarily in determining compliance with daily maximum limits and instantaneous maximum limits. Grab samples only represent the condition that exists at the time the water and effluent are collected.

Instantaneous Maximum is defined as the highest measurement obtained during a calendar day.

200 feet down stream of dredging activity is defined as 200 feet down stream of dredging activity, coffer dam, bladder dam, panels, or other water diversion structures, whichever is greater.

Active Site is defined as stream that is subject to surface water flow during dredging.

Duly Authorized Representative is one whose:

a. authorization is made in writing by a principal executive officer, or

b. authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity (e.g; field supervisor, project manager, chief engineer).

III. SPECIFICATIONS FOR SAMPLING AND ANALYSES

The Project Proponents are required to perform sampling and analyses as found in accordance with the following conditions and requirements:

A. Receiving Waters

1. Receiving water sampling shall be conducted at the Active Sites during dredging. The first sampling event shall be conducted at the first day of the dredging.

2. Prior to start of dredging, background water samples shall be collected from 200 feet down stream of dredging activity areas. These samples must be representative of typical undisturbed conditions, and must not be taken during a runoff event.

These samples shall be analyzed for the following constituents:

Constituents	Type of sample	Units
Turbidity	Grab	NTUs
pH	Grab	Not Applicable
Disolved Oxygen	Grab	mg/l
Dissolved sulfide	Grab	mg/l
Suspended solids	Grab	mg/l

3. Receiving water samples shall be collected at the active sites, one sample within every 48-hour period once dredging activities have begun at the sites and have not ceased for longer than 24-hour period. The samples shall be collected one hour after start of dredging activity for non-tidal sites and at low tides for tidal sites. The location of each sampling site is 200 feet down stream of dredging activity. These samples shall be analyzed for the following constituents:

Constituents	Type of sample	Units
Turbidity	Grab	NTUs
pH	Grab	Not Applicable
Dissolved Oxygen	Grab	mg/l
Dissolved sulfide	Grab	mg/l
Suspended solids	Grab	mg/l

4. Samples shall be taken within one foot below the surface water body when possible.

5. If two consecutive samples of a constituent monitored exceed applicable limits, then the sampling frequency shall be increased to daily until the additional sampling shows compliance with the limit.

6. If analytical results are received showing any instantaneous maximum limit is exceeded, confirmation samples shall be taken within 24 hours and results known within 24 hours of

the sampling.

7. If any instantaneous maximum limit for a constituent is exceeded in the confirmation sample (s), then a violation shall have occurred and the dredging shall be terminated until the cause of the violation is found and corrected.

8. For other violations, the Discharger shall notify the Regional Board immediately whenever violations are detected and operations shall not resume until the Discharger has provided the Regional Board with a corrective action plan, acceptable to the Executive Officer of the Regional Board, that provides alternative methods of compliance.

B. Effluent

1. Effluent sampling shall be conducted at the sediment storage site on every day that there is a discharge. Sampling shall be conducted at all storm drains or other points of discharge. These samples shall be analyzed for the following constituents:

Constituents	Type of sample	Units
Turbidity	Grab	NTUs
pH	Grab	Not Applicable
Dissolved Oxygen	Grab	mg/l
Dissolved sulfide	Grab	mg/l
Setteable matter	Grab	ml/l/hr

2. If analytical results are received showing any instantaneous maximum limit is exceeded, confirmation samples shall be taken within 24 hours and results known within 24 hours of the sampling.

3. If any instantaneous maximum limit for a constituent is exceeded in the confirmation sample (s), then a violation shall have occurred and the discharge shall be terminated until the cause of the violation is found and corrected.

4. For other violations, the Discharger shall notify the Regional Board immediately whenever violations are detected and discharge shall not resume until the Discharger has provided the Regional Board with a corrective action plan, acceptable to the Executive Officer of the Regional Board, that provides alternative methods of compliance.

C. Standard Observations

The following observations shall be recorded on every day of operation:

1. Receiving Water and Effluent:

   a. Floating and suspended materials of waste origin (to include oil, grease, algae, and other macroscopic particulate matter):presence or absence, source and size of affected area.

   b. Discoloration and turbidity: description of color, source and size of affected area.

   c. Odor: presence or absence, characterization, source, distance of travel and wind direction.

   d. Hydrographic condition including; time and height of corrected low and high tides; and, depth of water columns and sampling depths.

   e. Weather condition including: air temperatures, wind direction and velocity and precipitation.

D. Records to be Maintained

1. Written reports, strip charts, calibration and maintenance records, and other records shall be maintained by the Project Proponent and accessible at all times. Records shall be kept for a minimum of three years. Records shall include notes and observations for each sample as follows:

   a. Identity of each sampling and observation station by number

   b. Date and time of sampling

   c. Date and time analyses are started and completed and the name of person conducting analyses

   d. Complete procedure used, including method of preserving sample and identity and volumes or reagents used. A reference to a specific section of Standard Methods is satisfactory.

   e. Calculations of results.

   f. Results of analyses and/or observations.

2. A tabulation shall be maintained showing the following flow data for effluent stations and for non-tidal sites:

   a. Total flow or volume on a daily basis.

   b. Maximum and minimum flows for each month, if applicable.

IV. REPORTS TO BE FILED WITH THE REGIONAL BOARD

A. Report of Permit Violations

In the event that this permit is violated, the Discharger shall notify the Regional Board by telephone immediately and shall notify the Regional Board in writing within seven working days. A written report shall include time and date of incident, duration and estimated volume of discharge or bypass. The report shall include a detailed discussion of the reasons for the non-compliance and what steps were or will be taken to correct the failure and prevent it from occurring again.

Additionally, the Discharger shall accelerate the monitoring program immediately after the violation has been detected.

B. Self-Monitoring Reports

During dredging, written reports shall be filed regularly for each calendar month and filed no later than the fifteenth of each month. The reports shall include the following:

a. A transmittal letter which includes identification of changes to the project design and any unplanned releases or failures that have occurred since the last reporting period.

b. A monitoring report which details: the magnitude of the releases or failures; any discharge limit exceedances; dates of all exceedances; cause of the failures, releases or other violations; any corrective actions taken or planned; and the schedule for completion of corrective action.

C. Monitoring reports and the letter transmitting reports shall be signed by a principal executive officer(s) of the Santa Clara Valley Water District or by a duly authorized representative of that person.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing Self-Monitoring Program:

1. Has been developed in accordance with the procedures set forth in this Regional Board's

Resolution No. 73-16, in order to obtain data and document compliance with discharge requirements established in Regional Board Order No. 97-094.

2. Was adopted by the Board on, July 16, 1997.

3. May be reviewed at any time subsequent to the effective date upon written notice from the Executive Officer or request from the Discharger, and revisions will be ordered by the Executive Officer or Regional Board.

Loretta K. Barsamian
Executive Officer